

Mayor Patrick L. McCrory *Mayor Pro Tem Susan Burgess*
Michael D. Barnes *Nancy Carter*
Warren Cooksey *Andy Dulin*
Anthony Foxx *Patsy Kinsey*
John W. Lassiter *James E. Mitchell, Jr.*
Edwin B. Peacock III *Warren Turner*

CITY COUNCIL ZONING AGENDA ***Monday, July 20, 2009***

5:00PM – Council/Manager Dinner
Meeting Chamber Conference Room

6:00PM – Zoning Decisions
Meeting Chamber

DINNER MEETING

- ***Review of Agenda – Tammie Keplinger / Tom Drake***

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org

REZONING ACRONYMS

Zoning Districts

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **I-1** – light industrial district
- **I-2** – general industrial district
- **INST** – institutional district
- **MUDD** – mixed use development district
- **MX-1** – mixed use district
- **MX-2** – mixed use district
- **MX-3** – mixed use district
- **NS** – neighborhood services district
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential – up to 4 dua
- **R-5** – single-family residential – up to 5 dua
- **R-6** – single-family residential – up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential – up to 12 dua
- **R-17MF** – multi-family residential – up to 17 dua
- **R-22MF** – multi-family residential – up to 22 dua
- **R-43MF** – multi-family residential – up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research district
- **RE-2** – research district
- **RE-3** – research district
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-EO** – transit oriented development – employment - optional
- **TOD-M** – transit oriented development – mixed use
- **TOD-MO** – transit oriented development – mixed use – optional
- **TOD-R** – transit oriented development – residential
- **TOD-RO** – transit oriented development – residential - optional
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UMUD-O** – uptown mixed use district - optional
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential - commercial

Overlay Districts

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **HW** – hazardous waste overlay
- **LNW** – Lake Norman watershed
- **LNWCA** – Lake Norman watershed – critical area
- **LNWPA** – Lake Norman watershed – protected area
- **LLWW** – Lower Lake Wylie watershed
- **LLWWCA** – Lower Lake Wylie watershed – critical area
- **LLWWPA** – Lower Lake Wylie watershed – protected area
- **MILW** – Mountain Island Lake watershed
- **MILWCA** – Mountain Island Lake watershed – critical area
- **MILWPA** – Mountain Island Lake watershed – protected area
- **MH-** – manufactured home overlay
- **PED** – pedestrian overlay district
- **PED-O** – pedestrian overlay district – optional
- **TS** – transit supportive overlay district

Miscellaneous Acronyms

- **CD** – conditional
- **SPA** – site plan amendment

HOUSING TRUST FUND PROJECT RECOMMENDATIONS

	<p>1. A. Approve a financial commitment of \$1,000,000 for one Multi-Family Rental Housing Project (Savanna Woods Apartments – new construction), and</p> <p>B. Approve the Charlotte Housing Authority’s request for a waiver of the Housing Locational Policy for the Savanna Woods multi-family development.</p> <p>Attachment 1</p>
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HISTORIC LANDMARKS

	<p>2. Decision on the adoption of an ordinance designating the equipment known as “Charlotte New Look Bus No. 1074” as a Historic Landmark.</p> <p>Attachment 2</p>
	<p>3. Decision on the adoption of an ordinance designating the “Charlotte Coliseum” as a Historic Landmark.</p> <p>Attachment 3</p>
	<p>4. Decision on the adoption of an ordinance designating the “Charlotte Fire Station Number 7” as a Historic Landmark.</p> <p>Attachment 4</p>
	<p>5. Decision on the adoption of an ordinance designating the “Crane Company Building” as a Historic Landmark.</p> <p>Attachment 5</p>

DECISIONS

	<p>6. Petition No. 2009-003 (Decision) by The Housing Authority of the City of Charlotte for a change in zoning of approximately 2.35 acres located on the northwest corner of East 10th Street and Seigle Avenue from UR-2 to MUDD(CD).</p> <p>This petition is found to be consistent with the <i>Belmont Revitalization Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Note 2D has been revised to read "All freestanding lighting and exterior lighting on buildings will be shielded with full cutoff fixture so as to minimize the impact from lights that may be visible from nearby properties". 2. Note 3G has been revised to read "The petitioner reserves the right to count existing parallel parking spaces on the development side along Greenway Crescent Lane, Seigle Avenue, and East 10th Street toward the minimum required for the project". 3. Location of the recycling and dumpster containers have been shown in the parking deck. 4. 8,000 square feet minimum has been listed for the proposed courtyards. 5. Urban open space has been listed. 6. Location of stormwater detention has been shown on the site plan. The detention area should be located away from the proposed greenway area and/or designed such that a smaller water quality feature is used, which will complement the greenway. 7. Note 3A has been removed. 8. 12th Street has been labeled on site plan. 9. Eight-foot planting strip and six-foot sidewalk has been labeled along East 10th Street. 10. 10 foot easement has been granted and shown along 12th Street. Note has been added that Park and Recreation will complete the construction of the path and or sidewalk. 11. Note has been added that petitioner will seek approval through the abandonment process for the portion of Seigle Point Drive that crosses the properties to be rezoned. 12. Provide conceptual elevations for all portions of the building that face the public rights-of-way as the current elevation does not represent a building 80 feet in height. 13. LUESA comments have been addressed. 14. The petitioner provided conceptual elevations for all portions of the building that face the public rights-of-way representing a building 80 feet in height. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 6</p>
<p>Deferral (Indefinite)</p>	<p>7. Petition No. 2009-005 (Decision) by Regency Centers, Inc. for a change in zoning of approximately 21.75 acres located on the southwest corner of Carmel Road and Pineville-Matthews Road from B-1SCD to MUDD-O.</p> <p>Petitioner is requesting an indefinite deferral of this petition.</p> <p>This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 7</p>
<p>City Council to vote if needs to go back to Zoning</p>	<p>8. Petition No. 2009-007 (decision) by Heydon Hall, LLC for a change in zoning of approximately 14.07 acres located near the southwest corner of Quail Hollow Country Club and east of Heydon Hall Circle from R-3 and MX-1 to MX-1 and MX-1 SPA.</p> <p>Due to a new note added to the site plan after the Zoning Committee's recommendation,</p>

<p>Committee</p> <p>Protest Sufficient</p>	<p>City Council needs to vote on whether this petition needs to go back to the Zoning Committee for further consideration.</p> <p>This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. A note has been added to state that "Tract 2B will remain as common open space." 2. Tract 2B has been labeled as "common open space" and Tract 1 "common open space" acreage has been listed. 3. Note #2 has been added to state that "All lots will meet the requirements of the Charlotte Zoning standards for R-3 Cluster with SWIM incentives. No lots shall be less than 8000 square feet." 4. A note has been added to state that "It is the intent to abandon the portion of right-of-way platted as a public street. Failure to abandon the right-of-way will require that it be constructed to public street standards." 5. A note has been added indicating that a Solid Waste Management Plan will be submitted to Mecklenburg County Solid Waste prior to initiating land clearing, demolition, and/or construction activities. 6. Amend Note #4 on the site plan to indicate that eight lots are proposed on Tract 2A. Note #4 has been amended to state that "no more than 24 lots will be created on the portion of the site that is labeled as Tract 2A on the site plan, exclusive of any parcel that is created as part of the conveyance of land to Mecklenburg County for future greenway purposes and not more than 5 lots will be created on Tract 1." 7. Show layout of all lots on the site plan. The lot layout for Tract 2A will be submitted to staff for approval at the time of subdivision review. 8. Indicate that the SWIM buffer will be dedicated prior to the issuance of any building permits. A note has been added to state that "prior to issuance of any building permits on Tract 2A the SWIM buffer will be dedicated to Parks and Recreation." 9. Show tree save area and any large tree specimens being preserved. This issue will be addressed during the subdivision review. 10. LUESA states that no fill may be placed within the Community and/or FEMA Special Flood Hazard Area. This issue will be addressed during the subdivision review. 11. A note has been added to state that "Developer reserves the option of requesting innovative site plan approval for setbacks and yards per Charlotte Zoning Ordinance Section 11.208." <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 8</p>
<p>Protest Sufficient</p>	<p>9. Petition No. 2009-025 (decision) by McCarley Developers, LLC for a change in zoning of approximately 13.81 acres located on the west side of Lancaster Highway near the corner of Ardrey Kell Road and Lancaster Highway from MX-2(Innovative) to INST(CD).</p> <p>This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the modifications contained in a letter from the petitioner dated April 28, 2009 and additional modifications made after the submittal of the letter, as follows:</p> <p>Note: * Denotes items modified after submittal of the letter from the petitioner.</p> <ol style="list-style-type: none"> 1. Show all internal streets as public streets except for those classified as private via the previous approved rezoning petitions (2006-013).* 2. Show Bridgemount Avenue as currently constructed and add a note that a variance from the Subdivision Ordinance must be approved and the City Council must vote in order to abandon existing public right-of-way.* 3. Add note that blank walls will not exceed 20 feet in length.*

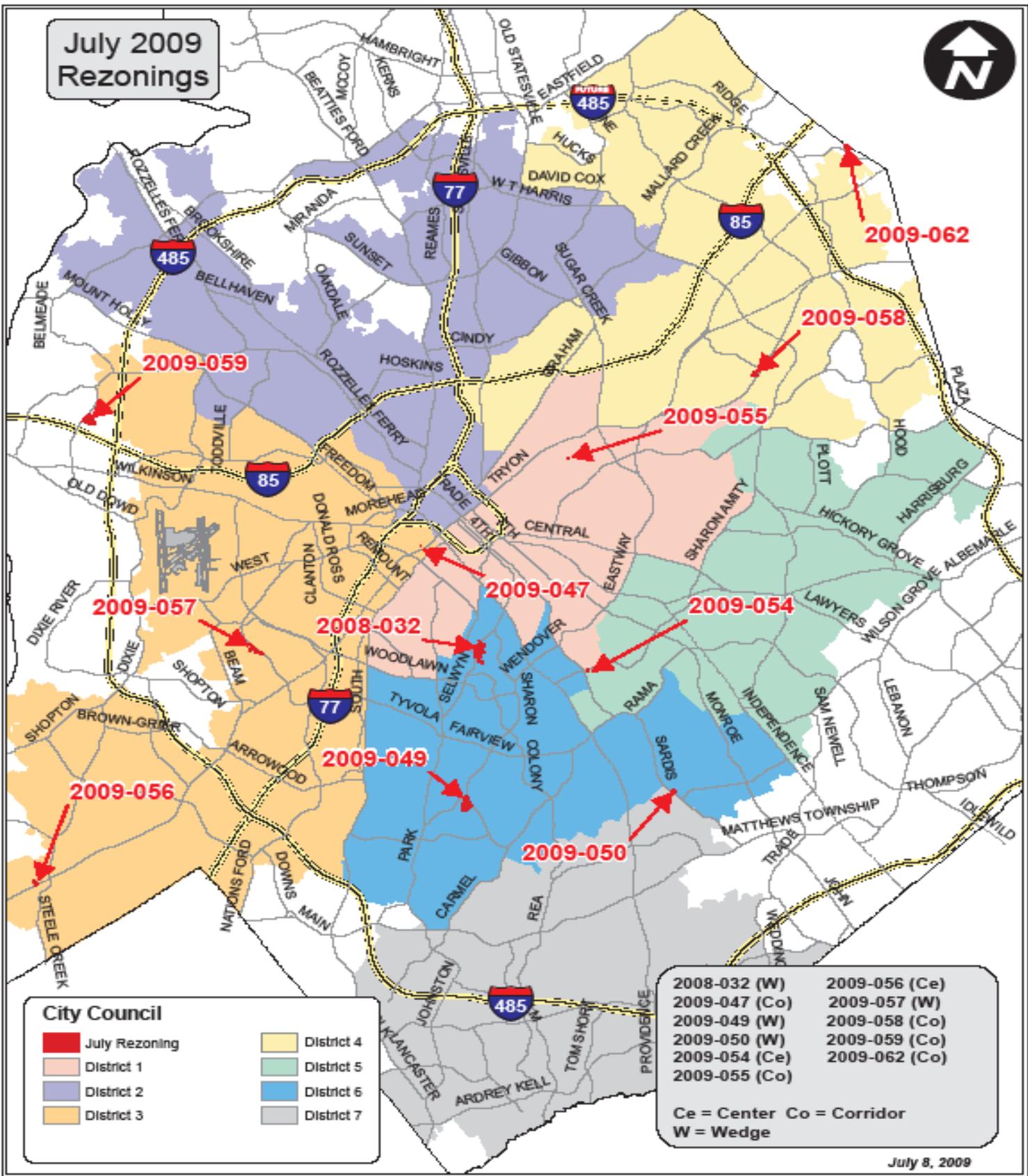
	<ol style="list-style-type: none"> 4. Indicate that widths of required buffers will not be reduced.* 5. Add note that there will be no reduction of the 50-foot Class "C" buffer to be provided abutting the Bridgehampton Neighborhood.* 6. Indicate that architectural commitments for buildings will adhere to the building examples provided at the public hearing, the maximum height of 68 feet and the building materials specified in the site plan.* 7. Specify parking at 1.5 spaces per unit and note that parking may be reduced as allowed in Section 12.209 of the Zoning Ordinance. * 8. Indicate that all units will be independent living units. 9. Include Bridgemount Avenue as a site access under Development Standards. 10. Add a note that street trees will be provided at 40 feet on center on private streets. 11. Provide a 40-foot landscaped setback between the surface parking along the current Elizabeth Madison Court to buffer from the proposed townhomes across the street to the west. 12. Eliminate driveway west of the intersection of Alice McGinn Drive and Elizabeth Madison Court. 13. Add note that all gated entrances will be recessed internal to the site to ensure no vehicular maneuvering or waiting will occur in the right-of-way on public streets. 14. Delete note entitled "Variances, Waivers and Modifications". 15. Clarify reference to parking along Highway 521. 16. Delete the portion of the note that proposed to apply age restrictions to all occupants of remaining areas of the property governed by the McCarley HOA and joint CCR's but not within this petition. 17. Provide a 50-foot Class "C" buffer consisting of 8 to 10 foot tall Southern Magnolia trees along portions of the property that abut the Bridgehampton Neighborhood. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 9</p>
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	<p>10. Petition No. 2009-031 (decision) by Roger and Perina Stewart for a change in zoning of approximately 0.682 acres located on the north corner of Belmont Avenue and Allen Street from R-5 and B-1 to UR-3(CD).</p> <p>This petition is found to be inconsistent with the <i>Belmont Area Revitalization Plan</i> but reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The figures for total building square footage and land acreage have been amended to achieve the correct FAR. 2. A note has been added indicating that the floor area of the proposed office/commercial component is 1.39 times the size of the overall residential/office/retail building footprint. 3. Staff has agreed to allow the proposed maximum 40-foot building height to remain as it is consistent with the maximum building height permitted in the surrounding R-5 residential development. 4. The maximum number of nonresidential parking spaces has been corrected to reflect one space per 400 square feet per Section 9.408(1) of the City of Charlotte Zoning Ordinance. 5. The area on the site plan located between the portion of the building where the roll out carts will be stored and the two-story townhomes has been identified as being a single story residential unit. 6. A note has been added to the site plan stating outdoor seating will not be placed in the setback or obstruct the sidewalk or door. 7. A note has been added stating the proposed development is age-restricted and to be occupied by persons over the age of 55. 8. A note has been added stating no wall pak lighting is allowed. 9. A note has been added to the "Conceptual Under Building Parking Plan" provided at the bottom of the site plan stating that the parking gate and all pedestrian doors in and out
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	<p>of the parking area will be secured with controlled access/egress points. The petitioner has confirmed that the "Conceptual Under Building Parking Plan" shows a ramp or stairs to the courtyard.</p> <p>10. The "Conceptual Under Building Parking Plan" has been modified to label the required minimum width of eight feet for the loading zone for the handicap parking space and; noting on the site plan that proposed on street parking spaces will not be striped.</p> <p>11. The petitioner has addressed LUESA comments by adding a note on the site plan that states each parcel will be inspected for underground storage tanks prior to any demolition or grading activity, and any underground storage tanks identified will be removed per NCDENR guidelines.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 10</p>
	<p>11. Petition No. 2009-035 (decision) by The Housing Authority of the City of Charlotte for a change in zoning of approximately 3.98 acres located at the southwest corner of Fairview Road and Park South Drive from R-43MF to MUDD-O.</p> <p>This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The access to Park South Drive has been labeled as a "future driveway" and its details will be decided upon during the permitting process. 2. A note has been added that restaurants will provide one parking space for each 125 square feet of floor area, including outdoor dining. 3. A note has been added that the additional residential units are intended to be age and income restricted and will provide parking at a rate of one space per four units. If the units are not income restricted they will be parked at one space per unit. 4. The requested optional provision for monuments signs has been deleted. <p>Staff disagrees with the recommendation of the Zoning Committee. This petition introduces retail uses beyond the boundaries of the <i>South Park Small Area Plan</i>.</p> <p>Attachment 11</p>
<p>Deferral (one-month)</p>	<p>12. Petition No. 2009-039 (decision) by Charlotte Area Transit System for a change in zoning of approximately 3.65 acres located southeast of North Alexander Street from O-2 to B-2(CD).</p> <p>The Zoning Committee voted unanimously to recommend a one-month DEFERRAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2009-040 (decision) by the City of Charlotte Neighborhood and Business Services Department (formerly the Economic Development Office) for a change in zoning of approximately 8.5 acres located on the north side of Mount Holly Road near Morningside Road from R-17MF(LWPA) to I-1(LWPA).</p> <p>This petition is found to be consistent with the <i>Mt. Holly Road Special Project Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p>

	<p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2009-041 (decision) by 1152, LLC for a change in zoning of approximately 20.78 acres located at the intersection of Highway 29 and Caprington Avenue from MX-2 to MX-2(SPA).</p> <p>This petition is found to be consistent with the <i>Northeast District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modification:</p> <ol style="list-style-type: none"> 1. A note has been added to address LUESA comments. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 14</p>
<p>Deferral To July 13, 2009 (special called meeting)</p>	<p>15. Petition No. 2009-042 (decision) by Lincoln Harris, LLC for a change in zoning of approximately 24.0 acres located at the intersection of North Tryon Street and West Mallard Creek Church Road from CC to MUDD-O with five year vesting of rights.</p> <p>This petition is found to be consistent with the <i>Transit Station Area Principles</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend DEFERRAL of this petition to a special called meeting of the Zoning Committee on July 13, 2009. An updated recommendation will be forwarded after that meeting.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2009-046 (decision) by Todd D. Leger for a change in zoning of approximately 1.56 acres located along Monroe Road near Sardis Road North from O-15(CD) to NS.</p> <p>This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. A line differentiating between phases one and two has been established. Phase one includes 14 parking spaces, which are needed to meet the parking regulations for the existing building. 2. A note has been added to the site plan indicating that the petitioner will submit a Solid Waste Management Plan to LUESA prior to initiating demolition and/or construction activities <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 16</p>

July 2009 Rezoningings



City Council

■ July Rezoning	■ District 4
■ District 1	■ District 5
■ District 2	■ District 6
■ District 3	■ District 7

2008-032 (W)	2009-056 (Ce)
2009-047 (Co)	2009-057 (W)
2009-049 (W)	2009-058 (Co)
2009-050 (W)	2009-059 (Co)
2009-054 (Ce)	2009-062 (Co)
2009-055 (Co)	

Ce = Center Co = Corridor
W = Wedge

July 8, 2009

HEARINGS

Protests Sufficient	<p>17. Petition No. 2008-032 (hearing) Myers Park Homeowners Association for a change in zoning of approximately 40.09 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue, north to Bucknell Avenue from R-22MF to R-8MF.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p>
Decision Requested	<p>18. Petition No. 2009-045 (hearing) by Four Friends Brewing, LLC for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add manufacturing of alcoholic beverages as a permitted use, with prescribed conditions in the I-1 zoning district.</p> <p>Petitioner is requesting a decision on this petition the same night as the public hearing.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2009-049 (hearing) by YMCA of Charlotte and Mecklenburg for a change in zoning of approximately 30.43 acres located at the intersection of Quail Hollow Road and Sharon Road from INST(CD) to INST(CD) SPA.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 19</p>
	<p>20. Petition No. 2009-050 (hearing) by Mt. Tabor Community Development Corporation for a change in zoning of approximately 1.89 acres located on Sardis Road across from Wilby Drive from R-3 to INST(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 20</p>
	<p>21. Petition No. 2009-054 (hearing) by TMV Partners on Sharon Amity Road, LLC for a change in zoning of approximately 0.877 acres located along North Sharon Amity Road across from Colwick Road from O-2 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 21</p>
	<p>22. Petition No. 2009-055 (hearing) by Chris Ingram for a change in zoning of approximately 0.072 acres located along North Davidson Street between East 35th Street and East 36th Street from I-1(CD) to MUDD-O.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p>
	<p>23. Petition No. 2009-056 (hearing) by AAA of the Carolinas c/o the Carolina Group for a change in zoning of approximately 2.89 acres located at the intersection of South</p>

	<p>Tryon Street and Steelescrot Parkway from O-1(CD) and CC to B-1(CD) and O-1(CD) SPA.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 23</p>	O-1(CD)
	<p>24. Petition No. 2009-057 (hearing) by P&L Coliseum LP for a change in zoning of approximately 11.69 acres located on the west side of West Tyvola Road south of South Stream Boulevard from MUDD-O to MUDD-O (SPA).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 24</p>	
	<p>25. Petition No. 2009-058 (hearing) by Therapeutic Services Group for a change in zoning of approximately 4.3 acres located on Old Concord Road between West Rocky River Road and Torrence Grove Church Road from R-3 to INST(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 25</p>	
Decision Requested	<p>26. Petition No. 2009-059 (hearing) by Sykes Industrial Solutions Charlotte One, LLC for a change in zoning of approximately 26.13 acres located on the northeast corner of Sam Wilson Road and West Point Drive from I-1(CD) LLWPA to I-1(CD) SPA LLWPA.</p> <p>Petitioner is requesting a decision on this petition the same night as the public hearing.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 26</p>	
	<p>27. Petition No. 2009-062 (hearing) by HSREI, LLC for a change in zoning of approximately 5.85 acres located on the east side of Union School Road near the intersection with Stowe Lane and Union School Road from I-1(CD) and R-3 to I-1(CD) and I-1(CD) SPA and five year vested rights.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 27</p>	
	<p>28. Petition No. 2009-047 (hearing) by the Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.06 acres located on West Summit Avenue across from Winnifred Street from I-1 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 28</p>	